IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.195 OF 2004
IN
FAMILY COURT APPEAL NO.23 OF 2001

Shri Ajay Sayajirao Desai ..Applicant

Versus

Mrs.Rajashree Ajay Desai ..Respondent

Shri D.M.Gupte for the applicant.

Shri Ajit Kulkarni for the Respondent.

Coram : H.L.Gokhale &
R.S.Mohite,JJ

Date : 1.12.2004.

PC

. Heard Mr.Gupte in support of this application. Mr.Kulkarni appears for the Respondent. The applicant is present in court.

1. The applicant had applied for divorce in the Family court at Pune. That petition came to be rejected and hence, he has filed Family Court Appeal No.23 of 2001 which has been admitted and is pending for final disposal.

2. During the pendency of this Appeal, the present Civil Application has been taken out seeking access to the child Jaideep who is now 9 years old. The applicant seeks access to the child during the

vacation and also on holidays as well as birthday of the child i.e. on 26th October of every year. Mr.Kullarni learned Advocate for the Respondent has no objection if an appropriate order is passed.

3. The child is presently with the respondent-mother. It will be proper that the applicant-father gets an opportunity to take the child with him. We therefore, direct that the respondent will permit the applicant to take the child during first half of the Summer, Diwali as well as Christmas vacations. The applicant is keen on meeting the child on the Sundays also. This is also necessary for retaining the bond between the father and the son. The applicant is therefore, permitted to take the child for access with him on every 1st and 3rd Sunday in the month. He will visit the residence of the respondent between 9.00 A.M. and 10.00 A.M. in the morning and take the child for access to whom he will return by 6.00 P.M. on the same day. As far as other Sundays are concerned, he will be at liberty to visit the residence of the respondent to meet the child between 9.00 A.M. and 12.00 noon. As far as birthday is concerned, the respondent has no objection if the applicant visits her residence at the birthday. It will be open for him.

. Civil application stands disposed of accordingly.

. All concerned to act on an ordinary copy of this order duly authenticated by the Personal Secretary of this court as a true copy.

(H.L.Gokhale,J)

(R.S.Mohite,J)